

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P189344.WO.04	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2010/024134	International filing date (day/month/year) 12/02/2010	(Earliest) Priority Date (day/month/year) 12/02/2009
Applicant OSTEOTECH, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____
☐ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
 b. ☒ none of the figures is to be published with the abstract

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61F2/28 A61F2/44 A61L27/36 A61L27/54
 ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61F A61L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y	US 2007/142916 A1 (OLSON STANLEY W JR [US] ET AL) 21 June 2007 (2007-06-21) paragraphs [0022], [0025], [0049], [0053], [0057], [0062], [0065], [0067], [0069] figures 3,7,9,10	1-9,15, 17 11-14
X	US 2004/249464 A1 (BINDSEIL JAMES J [US] ET AL) 9 December 2004 (2004-12-09) figures 6,7 paragraphs [0014], [0024], [0025], [0029], [0030]	1-10,12, 18-20
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Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

* & * document member of the same patent family

Date of the actual completion of the international search

26 April 2010

Date of mailing of the international search report

06/05/2010

Name and mailing address of the ISA/

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C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/28461 A2 (SDGI HOLDINGS INC [US]; BRANCH CHARLES L [US]; WHITE JOHN L [US]; ESTE) 26 April 2001 (2001-04-26) figure 5 page 14, lines 28-32 page 15, lines 11-13 -----	1,8,18
X	US 5 211 664 A (TEPIC SLOBODAN [CH] ET AL) 18 May 1993 (1993-05-18) figures 1,6,7 column 2, lines 21-28 column 3, lines 4-9,48-65 column 4, line 53 -----	1-3, 7-10,13, 18-20
X	WO 02/069818 A2 (SYNTHES USA [US]) 12 September 2002 (2002-09-12) page 13, line 31 - page 14, line 26; figures 8a,9a -----	1,16-20
Y	US 2007/118222 A1 (LANG PHILIPP [US]) 24 May 2007 (2007-05-24) claim 29 paragraph [0055] -----	11-14

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/024134

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: **21-24**
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2007142916	A1	21-06-2007	WO 2007076272 A2	05-07-2007
US 2004249464	A1	09-12-2004	AU 2004245088 A1	16-12-2004
			CA 2528204 A1	16-12-2004
			CN 101056597 A	17-10-2007
			EP 1633285 A2	15-03-2006
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			WO 2004108019 A2	16-12-2004
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			CA 2387042 A1	26-04-2001
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			DE 60022891 T2	29-06-2006
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			JP 2003511198 T	25-03-2003
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			DE 69208350 T2	14-08-1996
			EP 0551611 A1	21-07-1993
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			AU 2001283368 A1	19-09-2002
			CA 2439278 A1	12-09-2002
			EP 1424948 A2	09-06-2004
			ES 2317927 T3	01-05-2009
			US 2005131548 A1	16-06-2005
			US 2009005882 A1	01-01-2009
			US 2004107003 A1	03-06-2004
			US 2002120346 A1	29-08-2002
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			US 2002120347 A1	29-08-2002
US 2007118222	A1	24-05-2007	WO 2007062080 A2	31-05-2007